IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Crl.Rev.Pet.No. 848 of 2007()

ST.376/2004 of JUDL. MAGISTRATE OF FIRST CLASS-III, KOCHI
.....

REVN. PETITIONER: COMPLAINANT

M/S PLASTEK, REP. BY MR.G.R.KURUP,
PARTNER,ASWATHY, PERANDOOR ROAD,
ELAMAKKARA, KOCHI-682 026.

BY ADV. SRI.M.K.DILEEPAN
SRI.DEEPAK T.NEDUNGADAN

RESPONDENTS: ACCUSED & STATE
---

1. SALIM, PROPRIETOR,
SHAJI HARDWARES,
MUKKADA BAZAR, KOLLAM.

2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. BREEZE M.S., PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

==========

CRL. R.P. NO. 848 OF 2007

==========

Dated this the 28th day of February 2007

O R D E R

The revision petitioner, who is the complainant in S.T. No. 376/2004, had initiated proceedings under section 138 of the Negotiable Instruments Act. The same was dismissed under section 204(4) Cr.P.C as he happened to be absent in the court. The accused had not appeared till then. It is submitted that there was no wilful negligence on the part of the complainant/revision petitioner.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner to further pursue the matter. He shall appear before Judicial First Class Magistrate-III, Kochi on 28.03.2007.

The Crl. R.P is allowed accordingly.

K.R. UDAYABHANU, JUDGE.

RV